

Bill no.:	<u>Committee Print</u>
Amendment no.:	<u>6</u>
Date offered:	<u>10/26/05</u>
Disposition:	<u>Placed in by</u> <u>42 years and 0 mays</u>

**AMENDMENT TO THE COMMITTEE PRINT**  
**OFFERED BY MR. UPTON OF MICHIGAN, MR.**  
**ENGEL OF NEW YORK, MR. FOSSELLA OF**  
**NEW YORK, AND MR. TOWNS OF NEW YORK**

**Interoperable equipment funding**

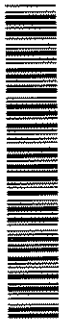
After section 105, insert the following new section  
(and redesignate the succeeding sections accordingly):

1 **SEC. 106. PUBLIC SAFETY INTEROPERABLE COMMUNICA-**  
2 **TIONS FUND.**

3 Part C of the National Telecommunications and In-  
4 formation Administration Organization Act is amended by  
5 adding after section 159 (as added by section 5 of this  
6 Act) the following new section:

7 **"SEC. 160. PUBLIC SAFETY INTEROPERABLE COMMUNICA-**  
8 **TIONS FUND.**

9 "(a) PROGRAM AUTHORIZED.—From the funds avail-  
10 able under subsection (f), the Assistant Secretary shall  
11 carry out a grant program to assist public safety agencies  
12 in the aquisition of, deployment of, or training for the use  
13 of interoperable communications systems that utilize, or  
14 enable interoperability with communications systems that  
15 can utilize, reallocated public safety spectrum for radio  
16 communications.



1       “(b) TERMS AND CONDITIONS OF GRANTS.—In order  
2 to obtain a grant under this section, a public safety agency  
3 shall—

4           “(1) submit an application to the Assistant Sec-  
5 retary at such time, in such form, and containing or  
6 accompanied by such information and assurances as  
7 the Assistant Secretary shall require;

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8           “(2) agree that, if awarded a grant, the public  
9 safety agency will submit annual reports to the As-  
10 sistant Secretary for the duration of the grant  
11 award period with respect to—

12               “(A) the expenditure of grant funds; and

13               “(B) progress toward acquiring and de-  
14 ploying interoperable communications systems  
15 funded by the grant;

16           “(3) agree to provide, from non-Federal  
17 sources, not less than 20 percent of the costs of ac-  
18 quiring and deploying the interoperable communica-  
19 tions systems acquired and deployed with funds pro-  
20 vided under this section; and

21           “(4) agree to remit to the Assistant Secretary  
22 any grant funds that remained unexpended at the  
23 end of the 3-year period of the grant.

24       “(c) DURATION OF GRANT; RECOVERY OF UNUSED  
25 FUNDS.—Grants under this section shall be awarded in



1 the form of a single grant for a period of not more that  
2 3 years. At the end of 3 years, any grant funds that re-  
3 main unexpended shall be remitted by the grantee to the  
4 Assistant Secretary, and, subject to subsection (f)(2), may  
5 be awarded to other eligible grant recipients. At the end  
6 of fiscal year 2010, any such reawarded grant funds that  
7 remain unexpended shall be remitted by the grantee to the  
8 Assistant Secretary and may not be reawarded to other  
9 grantees.

10 “(d) OVERSIGHT OF EXPENDITURES.—The Assistant  
11 Secretary shall submit to the Committee on Commerce,  
12 Science, and Transportation of the Senate and the Com-  
13 mittee on Energy and Commerce, not later than 6 months  
14 after the first award of a grant under this section and  
15 every 6 months thereafter until October 1, 2010, a  
16 report—

17 “(1) identifying, on a State-by-State basis,  
18 using the information submitted under subsection  
19 (b)(2), the results of the program, including an iden-  
20 tification, on a State-by-State basis, of—

21 “(A) the public safety agencies awarded a  
22 grant;

23 “(B) the amount of the grant;

24 “(C) the specified use for the grant; and

25 “(D) how each such grant was spent; and



1 “(2) stating the cumulative total of the amount  
2 of grants awarded, and the balance, if any, remain-  
3 ing in the Public Safety Interoperable Communica-  
4 tions Fund; and

5 “(3) in the final such report, stating the  
6 amount in the Fund that reverted to the general  
7 fund of the Treasury.

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8 “(e) REGULATIONS.—The Secretary is authorized to  
9 prescribe such regulations as are necessary to carry out  
10 this section.

11 “(f) AVAILABILITY OF FUNDS.—

12 “(1) AVAILABILITY.—From the Public Safety  
13 Interoperable Communications Fund established by  
14 section 309(j)(8)(E)(i)(II) of the Communications  
15 Act of 1934, there shall be available to carry out  
16 this section such sums as may be necessary for fiscal  
17 years 2008, 2009, and 2010.

18 “(2) REVERSION.—Any sums that remain unex-  
19 pended in the Fund at the end of fiscal year 2010  
20 shall revert to and be deposited in the general fund  
21 of the Treasury.

22 “(g) DEFINITIONS.—For purposes of this section:

23 “(1) PUBLIC SAFETY AGENCY.—The term ‘pub-  
24 lic safety agency’ means any State or local govern-  
25 ment entity, or nongovernmental organization au-



1       thorized by such entity, whose sole or principal pur-  
2       pose is to protect the safety of life, health, or prop-  
3       erty.

4           “(2) INTEROPERABLE COMMUNICATIONS SYS-  
5       TEMS.—The term ‘interoperable communications  
6       systems’ means communications systems which en-  
7       able public safety agencies to share information  
8       amongst local, State, and Federal public safety  
9       agencies in the same area via voice or data signals.

10          “(3) REALLOCATED PUBLIC SAFETY SPEC-  
11       TRUM.—The term ‘reallocated public safety spec-  
12       trum’ means the bands of spectrum located at 764  
13       -776 megahertz and 794–806 megahertz, inclusive.”.

Page 11, line 13, strike “and” and after such line  
insert the following new subclause (and redesignate the  
succeeding subclause accordingly):

14                   “(II) \$500,000,000 shall be de-  
15                   posited in a separate fund in the  
16                   Treasury to be known as the ‘Public  
17                   Safety Interoperable Communications  
18                   Fund’, and be available exclusively to  
19                   carry out section 160 of the National  
20                   Telecommunications and Information  
21                   Administration Organization Act;  
22                   and”.

